

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JERRY F. STANLEY,
Petitioner,

v.

ROBERT AYERS, Warden,
Respondent.

No. C 07-03582 SBA (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day the action was filed the Court sent a notification to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Clerk of the Court sent Petitioner a blank in forma pauperis application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed. Petitioner did not respond to the Clerk's notice.

On November 15, 2007, the Court issued an Order Directing Payment of Filing Fee or Filing of In Forma Pauperis Application. The Clerk sent Petitioner another blank in forma pauperis application. The Court directed Petitioner to either pay the fee or return the completed application within thirty days or his action would be dismissed.

More than thirty days have passed and Petitioner has not paid the filing fee, returned the in forma pauperis application or otherwise communicated with the Court.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

DATED: 12/18/07


SAUNDRA BROWN ARMSTRONG
United States District Judge

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

JERRY F. STANLEY et al,

Case Number: CV07-03582 SBA

Plaintiff,

CERTIFICATE OF SERVICE

v.

AYERS et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 21, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jerry F. Stanley C 80900
California State Prison - San Quentin
Death Row
San Quentin, CA 94974

Dated: December 21, 2007

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk